THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.19261of 1995

05-12-2006

Between:-

K.V.N. Suneetha

Petitioner

And

Andhra Pradesh State Electricity Board,
Rep., by its Member-Secretary,
Vidyuth Soudha, Hyderabad.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 19261 of 1995

Oral order:

The writ petition is filed aggrieved that the respondent has not followed the procedure for selection to the post of Assistant Engineer (Elec.,); has not furnished the marks memo to the candidates; alleging that the action of the respondent-Board in not extending the benefit of 30% reservation to the women candidates as is followed in the State Government services violates Articles 14 and 16 of the Constitution of India and seeking a direction to the respondents to appoint the petitioner with retrospective effect from the date on which other candidates who obtained lesser marks than her, have been selected and appointed, with all consequential and incidental benefits.

The petitioner obtained the qualification of B.Tech., in Electrical and Electronics discipline in 1991. Pursuant to the notification dated 14-06-1994 issued by the respondent calling for applications for recruitment to the post of Assistant Engineer (Electrical), the petitioner submitted her application and appeared for the written test held on 11-09-1994. The petitioner asserts to have

been orally informed that she was selected in the written test. Her name however did not figure in the list of selected candidates. She also claims to have learnt that the respondent-Board was not considering women candidates on the ground that they are not suitable to perform the duties of Assistant Engineer (Electrical), as the job involves fieldwork. The petitioner also alleges that though respondent had filled up 250-300 posts of Assistant Engineers, has appointed less than ten women candidates. Even in the impugned selection the petitioner alleges, for over 300 vacancies, only five women candidates were selected. The writ petition is filed on these premises and also on a grievance that despite her request, the officials of the respondent have failed to furnish the marks secured by the candidates in the written examination.

Though the writ petition was filed on 25-08-1995, the respondent has not filed counter affidavit for over a decade. The counter affidavit was filed on 17-11-2006 by the Joint Managing Director, Andhra Pradesh Transco. Later, an additional counter affidavit is filed on 04-12-2006.

The counter affidavits deny the assertions and allegations made in the writ petition. It is stated that pursuant to the notification dated 14-06-1994, the written test was conducted on 11-09-1994; the results of the written test were notified on 25-10-1994 and interviews were held during 21-08-1995 to 26-08-1995; appointments were made pursuant to the selection process on 12-12-1995. The answering respondent states that the minimum marks prescribed for written examination is 40 for O.C. Category; 35 for B.C. Category and 30 for Scheduled Castes and Scheduled Tribe Categories. It is stated

that for general candidates, 254 candidates have secured minimum marks at the written examination. The results were also notified in the Eenadu daily newspaper on 25-10-1994. In the newspaper on 24-07-1995 it was also notified that interviews would be held from 21-08-1995 to 26-08-1995. 334 candidates had appeared during interview. Pursuant to the interim directions of this court, the petitioner was also interviewed on .26-08-1995, though she did not secure the minimum qualifying marks in the written test, which makes her ineligible for being interviewed. However since she did not secure minimum marks in the written examination and the minimum marks in respect of O.C. candidates for final selection is 50, the petitioner could not be selected. It is clearly and categorically asserted that the minimum qualifying marks in written examination for O.C. candidates is 40; whereas the petitioner secured only 31 marks.

The counter affidavit admits that Rule 22-A of the Andhra Pradesh State and Subordinate Service Rules, which is incorporated in Regulation 22-A of the Andhra Pradesh State Electricity Board Services Regulations does provide for a preference to be given to women in direct recruitment for posts for which men and women are equally suited and other things being equal; and preference should be in each of the categories of O.C., B.C., S.C. and S.T.

In the additional affidavit filed on 04-12-2006, the answering respondent states that for direct recruitment to the post of Assistant Engineer, no procedure was earlier prescribed and therefore a clarification was sought from the State Government. The State Government in its letter dated 20-03-1986 issued directions under

Section 78(A) of Electricity Supply Act, 1948 that the Board should follow the procedure followed by the Andhra Pradesh Public Service Commission in respect of recruitment of Assistant Engineers. This letter specified that the APPSC was considering the candidates qualified who had obtained 40 marks (for OC) and 35 marks (for BC) for the purpose of being called for oral interview. The respondent Board was directed by the Government, exercising the power under Section 78-A of Electricity Supply Act, 1948, to follow the above procedure. Accordingly, the procedure directed by the Government in its letter dated 20-03-1986 was followed and since the petitioner did not secure 40% marks being an O.C. candidate (in the written examination) and had secured only 31 marks, she was not selected. Additional affidavit filed by the respondent further asserts that even in the application issued for the recruitment, it is clearly specified that only those candidates who qualified in written examination with a minimum the qualifying marks as specified would be called for interview in the ratio of 1:2. The copy of application form has been annexed to the counter affidavit and it clearly shows that guideline No.7 in the application form annexed to the application form clearly specifies that O.C. candidates are required to obtain 40% marks at the written examination for being called for interview.

In the light of the facts above, the grievance of the petitioner has no legal basis. There are no merits. The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM, J

Dated:05-12-2006

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